

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

LARRY JACKSON, Register No. 38010,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4140-CV-C-SOW
)	
STEVE LONG, et al.,)	
)	
Defendants.)	

ORDER

On September 11, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on October 3 and November 15, 2007. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The cases cited by plaintiff to support his claims that he was denied due process and subjected to an atypical hardship predate Sandin v. Connor, 515 U.S. 472 (1995), and do not reflect the current state of the law. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of September 11, 2007, is adopted. [7] It is further

ORDERED that plaintiff's claims are dismissed, pursuant to 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted. It is further

ORDERED that plaintiff's motion for access to law books is denied. [5]

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: December 4, 2007